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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

#14

In re Application of

Bates et al.

Serial No.: 09/879710

Filed: June 12, 2001

Attorney Docket No.: P04852US0

WITHDRAWAL OF ABANDONMENT

This is in response to applicant's petition under 37 CFR 1.181, filed October 28, 2003, requesting withdrawal of the holding of abandonment. The delay in acting on this petition is regretted.

BACKGROUND

A review of our records shows that the Office mailed an Office Action on January 14, 2003, setting a shortened statutory period of 3 months for reply. On October 02, 2003, the Office mailed a Notice of Abandonment stating that no reply had been received. On October 28, 2003, applicants filed a Petition to request Withdrawal of Holding of Abandonment and a refund of the petition fee submitted is respectfully requested.

DISCUSSION

The file record and Petition have been considered carefully. The Petition states that on April 14, 2003, applicants timely faxed a copy of the Amendment and Response to Technology Center 1600, at the United States Patent and Trademarks Office.

Applicants provided a copy of the Certificate of mailing/transmission label faxed with applicants' timely response, including the stamp indicating a date of April 14, 2003. Applicants enclosed a copy of the Auto-Reply Facsimile Transmission with a fax date of April 14, 2003, to show that the response was timely.

DECISION

In view of applicants' timely response, the Petition has been Granted. The Holding of Abandonment has been withdrawn.

The Petition fee of \$130.00 will be refunded.

The application will be forwarded to the examiner for consideration of the amendment and response filed April 14, 2003.

Should there be any questions with regard to this letter please contact Special Program Examiner Julie Burke by letter addressed to the Director, Technology Center 1600, PO Box 1450, Alexandria VA 22313-1450, or by telephone at (703) 308-7553 or by facsimile transmission at (703) 308-7230.

J Burke for

Bruce Kisliuk

Director, Technology Center 1600